

**CHAPTER NO. 340**

**SENATE BILL NO. 652**

**By Cooper**

Substituted for: House Bill No. 1088

By Odom

AN ACT To amend Tennessee Code Annotated, Title 63, relative to professions of the healing arts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-6-214(b), is amended by adding a new subsection to be appropriately designated:

( ) (1) Transferring of patient medical information to a person in another state who is not licensed to practice medicine or osteopathy in the State of Tennessee using any electronic, telephonic or fiber optic means or by any other method if such information is employed to diagnose and/or treat persons physically located within the State of Tennessee.

(2) Notwithstanding the provisions of subdivision (1), the transfer of such information shall not be prohibited if:

(A) such information is to be used for a second opinion requested by a Tennessee licensed medical doctor or osteopathic physician; or

(B) such information is to be used by an out-of-state physician for treatment of a person who is seeking treatment out of Tennessee; or

(C) such information is used to determine if such patient is covered by insurance; or

(D) such information is used by a physician in another state to provide occasional academic consultations to a medical school located in Tennessee; or

(E) such information is used by insurance or related companies for risk evaluation, utilization review, claims processing and/or evaluation of claimants' rehabilitation including establishing and administering rehabilitation plans. The establishing and administering of such rehabilitation plans shall not include the diagnosis and/or treatment of persons physically located within the State of Tennessee as prohibited by subsection (a) of Section 1 of this act; or

(F) such information is used in clinical trials for drugs approved by the Food and Drug Administration.

SECTION 2. Tennessee Code Annotated, Section 63-9-111, is amended by adding a new subsection to be appropriately designated:

( ) (1) Transferring of patient medical information to a person in another state who is not licensed to practice medicine or osteopathy in the State of Tennessee using any electronic, telephonic or fiber optic means or by any other method if such information is employed to diagnose and/or treat persons physically located within the State of Tennessee.

(2) Notwithstanding the provisions of subdivision (1), the transfer of such information shall not be prohibited if:

(A) such information is to be used for a second opinion requested by a Tennessee licensed medical doctor or osteopathic physician; or

(B) such information is to be used by an out-of-state physician for treatment of a person who is seeking treatment out of Tennessee; or

(C) such information is used to determine if such patient is covered by insurance; or

(D) such information is used by a physician in another state to provide occasional academic consultations to a medical school located in Tennessee; or

(E) such information is used by insurance or related companies for risk evaluation, utilization review, claims processing and/or evaluation of claimants' rehabilitation including establishing and administering rehabilitation plans. The establishing and administering of such rehabilitation plans shall not include the diagnosis and/or treatment of persons physically located within the State of Tennessee; or

(F) such information is used in clinical trials for drugs approved by the Food and Drug Administration.

SECTION 3. The provisions of this act shall not apply to research hospitals, as defined in Tennessee Code Annotated, Section 63-6-204(d)(7)(H).

SECTION 4. The provisions of this act shall only apply to X-rays and medical imaging.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 24, 1999

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 14th day of June 1999

  
DON CONQUIST, GOVERNOR